

#16

## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Knowlton Docket No.: 39238-0760  
Serial No.: 10/026,870 Group Art Unit: 3739  
Filing Date: 12/20/2001 Examiner: Gibson, Roy  
For: Tissue Remodeling Apparatus

PETITION TO CONSIDER INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(d)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby Petition the Commissioner to consider the references cited in the attached Information Disclosure Statement. The Information Disclosure Statement is being submitted after receipt of a Final Official Action or Notice of Allowance, but before payment of the issue fee, and is therefore accompanied by this Petition to Consider in accordance with the provisions of 37 C.F.R. § 1.97(d). Also, attached hereto is a Certification as required by this paragraph.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, or credit any overpayment, to Deposit Account 08-1641 (Docket No. 39238-0760).

Respectfully submitted,

  
Paul Davis, Reg. No. 29,294

Date: February 19, 2004

HELLER EHRMAN WHITE & McAULIFFE LLP  
Customer No. 25213  
275 Middlefield Road  
Menlo Park, CA 94025  
Tel: (650) 320-4000  
Fax: (650) 320-4100

SV 2008756 v1  
2/19/04 11:07 AM (39238.0760)

**CERTIFICATION***(Attachment to Information Disclosure Statement)*

- ☐ 37 C.F.R. §1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- ☒ 37 C.F.R. §1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

Dated:

2-19-04

By:

Paul Davis, Reg. No.: 29,294

#16

PATENT

Attorney Docket No. 39238-0760

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Edward K. Knowlton	)	
	)	Art Unit:
Application No.: 10/026,870	)	
	)	Examiner: Roy Gibson
Filed: December 20, 2001	)	
	)	
Title Fluid Delivery Apparatus	)	

FAX RECEIVED

MAR 17 2003

GROUP 3700

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☒ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.).

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Davis, Reg. No. 29,294

275 Middlefield Road  
Menlo Park, CA 94025-3506  
(650) 324-7000  
Customer No. 25213